

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.25091 of 2019

Date of Decision : 19.09.2019

Anoop Behal and another

....Petitioners

Versus

Union Territory of Chandigarh and others

...Respondents

CORAM : HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.Suvir Sidhu, Advocate
for the petitioners.

....

TEJINDER SINGH DHINDSA, J.(ORAL)

Challenge in the instant petition is to the police notice dated 02.09.2019 (Annexure P-1) issued from Barke Police Station, Gandhinagar, Mangaluru calling upon the petitioners to present themselves before the Investigating Officer at Mangaluru City of Karnataka State in relation to Crime No.56/2019 under Section 170, 171, 419, 420 read with 34 IPC and under Section 7 of the State Emblem of India (Prohibition of Improper Use) Act, 2005.

Counsel submits that the impugned notice at best can be construed to have been issued under Section 160 of the Code of Criminal Procedure, 1973 and whereby the present petitioners have been summoned as witnesses.

It is submitted that the petitioners are residents of Chandigarh and a witness who is residing outside the scope of jurisdiction at Mangaluru cannot be compelled to go there in the capacity of a witness. In support of such contention reliance has been

placed upon a judgment in *Manish v. State of M.P.and Anr.*, **WP-13230 of 2013 (M.P.)**, decided on 25.11.2014.

At this stage learned Counsel would clearly apprise the Court that both the petitioners have in fact visited the police station concerned in the City of Mangaluru on 16.09.2019 and they even got their statements recorded. He, however, submits that the petitioners apprehend that during the course of investigation similar notice may be issued in future as well.

In the light of the factual premise noticed hereinabove, the impugned notice dated 02.09.2019 (Annexure P-1) seeking presence of the petitioners has already worked out.

No further directions with regard to the impugned notice are required to be passed.

Writ petition is accordingly disposed of.

Liberty, however, is granted to the petitioners to approach this Court afresh in the eventuality of a similar notice being issued in due course of time.

19.09.2019
dss

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No